

SERVICE DATE - JANUARY 8, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 217X)

NORFOLK SOUTHERN RAILWAY COMPANY—
ABANDONMENT EXEMPTION—IN BUCHANAN COUNTY, VA

Decided: January 3, 2002

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 0.4-mile line of railroad between mileposts LS-0.0 and LS-0.4, at Long Spur Jct. to end of track in Buchanan County, VA (line). Notice of the exemption was served and published in the Federal Register on December 10, 2001 (66 FR 63743). The exemption is scheduled to become effective on January 9, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 14, 2001. Comments to the EA were due by January 2, 2002. No comments to the EA were received. In the EA, SEA stated that the U.S. Fish and Wildlife Service (USFWS) indicated that two endangered and/or threatened species, the Indiana Bat and the Virginia Spiraea, have been documented in an adjacent county and may occur in Buchanan County.¹ Although these species are unlikely to occur within the right-of-way, in an abundance of caution, SEA recommended that, in the event these species are encountered during salvage of the line, NSR should consult with the USFWS pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq.² The condition recommended in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ SEA also stated that the Virginia Department of Conservation Recreation Division of Natural Heritage advised that available information did not indicate the presence of any natural heritage resources.

² SEA noted that USFWS advised that, to minimize impacts to Buchanan County's valuable aquatic resources, NSR should implement strict erosion control measures during land disturbing activities. SEA further noted that USFWS believed that, if strict erosion control measures were taken, the proposed action would have no effect on federally listed species.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the condition that, in the event the Indiana Bat and the Virginia Spiraea are encountered during salvage of the line, NSR shall consult with the USFWS pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary